

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ARACELIS POLANCO, *as Administrator of the*
ESTATE OF LAYLEEN CUBILETTE-POLANCO,

Plaintiff,

-against-

THE CITY OF NEW YORK, COLLEEN VESSELL,
TYKISHA WILLIAMS, TALAYA GALES, BIANCA
GARCIA, SHEVONNE DAVIS, and JANE DOE,

**CITY DEFENDANTS'
ANSWER TO CROSS
CLAIMS OF
DEFENDANT
SHEVONNE DAVIS**

19 CV 4623 (DLI) (SJB)

Defendants.

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Defendants City of New York and Dr. Colleen Vessell (collectively "City Defendants"), by their attorney, James E. Johnson, Corporation Counsel of the City of New York, in answer to the cross claims of defendant Shevonne Davis, respectfully allege as follows:

1. Deny the allegations set forth in the Cross Claims

FIRST AFFIRMATIVE DEFENSE

2. The Cross Claims seeking indemnification fail to state a claim against City Defendants as it is outside the jurisdiction of this Court, and must be asserted in a New York State Court Article 78 proceeding.

SECOND AFFIRMATIVE DEFENSE

3. City Defendants have not violated any rights privileges or immunities under the Constitution or laws of the United States, of the State of New York, of the City of New York, or any of its subdivisions.

THIRD AFFIRMATIVE DEFENSE

4. The Cross Claim sounding in negligence does not allege that the claimant has filed a timely Notice of Claim, or timely commenced this proceeding, as required by New York State Law.

WHEREFORE, City Defendants request judgment dismissing the Cross Claims asserted by Defendant Shavonne Davis in their entirety, and such other and further relief as the Court deems just and proper.

Dated: New York, New York
 July 31, 2020

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C: All Counsel of Record
Via ECF